

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Wilmington Trust, National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass Through Certificates, Series 2019-SB65,

Plaintiff,

v.

Kunba, LLC, Robert Khomari, The New York City Department of Housing Preservation and Development, County Oil Company, Inc. and John Doe No. I through John Doe No. XXX, inclusive, the last thirty names being fictitious and unknown to Plaintiff, the persons or parties intended being the tenants, occupants, persons, or corporations, if any, having or claiming an interest in or lien upon the premises described in the Complaint,

Defendants.

Case No. 1:25-cv-01696-DLC

**NOTICE OF
MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated May 1, 2025, and all the prior pleadings and proceedings had herein, Defendants' Kunba, LLC, and Robert Khomari (collectively the "Defendants"), shall move this Court, before the Honorable Denise Cote, United States District Judge, at the United States Courthouse for the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, Courtroom 18B, for an Order:

- (i). Dismissing the Complaint in this action pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction and Plaintiff's lack of standing;
- (ii). Dismissing the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that Plaintiff has failed to state a claim upon which relief can be granted; and

(iii). For such other and further relief as the Court deems just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1, any opposing or response papers must be served within 14 days after service of the moving papers, and any reply papers must be served within seven days after service of the answering papers, unless the Court orders otherwise.

Dated: Bronxville, New York
May 1, 2025

BAUMAN LAW GROUP P.C.

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